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Attorneys for Defendant

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
SACRAMENTO DIVISION

GLENDON JAMES HAYES, JR. )  
Plaintiff, )  
v. )  
MICHAEL J. ASTRUE<sup>1</sup>, )  
Commissioner of )  
Social Security, )  
Defendant. )

CIVIL NO. 2:05-CV-00179-JFM

FIRST AMENDED STIPULATION AND  
PROPOSED ORDER SETTLING  
ATTORNEY'S FEES AND COSTS  
PURSUANT TO THE EQUAL ACCESS TO  
JUSTICE ACT (EAJA)

It is stipulated by the parties through their undersigned counsel, with the Court's approval, that counsel for Plaintiff be awarded attorney's fees under the Equal Access to Justice Act (EAJA) in the amount of Two Thousand Five Hundred Twenty/100 Dollars (\$2,520.00), plus costs of court, for compensation for legal services rendered on Plaintiff's behalf, pursuant to 28 U.S.C. § 2412(d), thereby constituting a compromise settlement for all fees and costs under the EAJA in this action, but not

<sup>1</sup> Michael J. Astrue became the Commissioner of Social Security on February 12, 2007. Pursuant to Rule 25(d)(1) of the Federal Rules of Civil Procedure, Michael J. Astrue should, therefore, be substituted for Commissioner Jo Anne B. Barnhart as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

1 constituting any admission of Defendant's liability under the EAJA in this action.

2 Payment of fees in the amount of Two Thousand Five Hundred Twenty Dollars, and costs of  
3 court shall constitute a complete release from and bar to any and all claims of Plaintiff's counsel relating  
4 to EAJA fees and costs in connection with this action, without prejudice to any future request for fees  
5 under the Social Security Act, 42 U.S.C. § 406(b).

6 Respectfully submitted,

7 Dated: February 26, 2007

8 /s/  
DAVID J. LINDEN (As authorized via email)  
Attorney for Plaintiff

9 Dated: February 26, 2007

10 MCGREGOR W. SCOTT  
United States Attorney  
LUCILLE GONZALES MEIS  
Regional Chief Counsel, Region IX  
Social Security Administration

11  
12 /s/ Sarah Ryan  
13 SARAH RYAN  
Special Assistant U.S. Attorney

14 Attorneys for Defendant

15  
16 ORDER

17 APPROVED AND SO ORDERED.

18  
19 DATED: March 20, 2007.

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21   
22 UNITED STATES MAGISTRATE JUDGE

23  
24  
25  
26 /hayeseaja.stip